IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.320 OF 2019

Firoj Badshaha Mujawar .... Applicant

versus

The State of Maharashtra .... Respondent

WITH
CRIMINAL APPLICATION NO.396 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.320 OF 2019

Abdulrahim Shekhlal Shekh ...Intervener

IN THE MATTER BETWEEN

Firoj Badshaha Mujawar .... Applicant

versus

The State of Maharashtra .... Respondent

…....

- Mr. Priyal Sarda I/b. Rupesh K. Bobade, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.
- Mr. Amit Sale, Advocate for Intervener.
- Mr. Gadave, PSI, Jath Police Station, District Sangli, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 6th AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.12/2019 registered with Jath Police Station, District Sangli, under Sections 420, 465, 468, 471 r/w. 34 of IPC.

2. The FIR is lodged on 12/1/2019 by one Abdul Rehiman Shaikhlal Shaikh. He has stated that he was knowing the present applicant. He came to know through one Nasir Badshah Mulla that present applicant was in a position to procure government jobs in Sales Tax Department. The first informant met the present applicant at Jath. The present applicant demanded Rs.9 Lakhs for that work. On 4/10/2014, the present applicant telephonically informed him that he was knowing one Arun Deshmukh and he would secure a job for the first informant. Therefore, at his instance, the first informant paid Rs.49,000/- each in the account of Arun Deshmukh and his wife Ashwini Deshmukh. On 13/2/2015, the informant paid Rs.8 Lakhs to the applicant in presence of Nasir Mulla, Mohsin Shaikh and the

informant's father-in-law Sikandar Shaikh. The applicant promised that the informant would get his appointment order within a week. The informant was called to Mumbai. The applicant met him. At that time, Arun Deshmukh was also present. Thereafter, informant was made to write some answer papers. In February 2015, the informant was called to St. George's Hospital at Mumbai. At the instance of the present applicant, the informant underwent medical examination. At that time, there were two more persons with the informant from whom the applicant had obtained Rs.15 Lakhs in total. Thereafter, the informant was told that his order would be received within next week. However, till June 2016, the informant did not receive any appointment letter. Therefore, he again approached the applicant. The applicant handed over a photocopy of a letter showing that informant was selected for the post. Subsequently, that letter was also found to be a forged letter. Thereafter, the applicant avoided to meet the informant and also avoided to refund his amount. In all, the informant had lost Rs.8,98,000/-. On these allegations, the FIR is lodged.

3. Heard Mr. Sarda, Ld. Counsel for the applicant, Mr. Amit Sale, Advocate for Intervener and Smt. Takalkar, Ld. APP for the State.

4. Mr. Sarda, Ld. Counsel for the applicant submitted that the entire offence is committed by Arun Deshmukh and the present applicant himself is also victimised. He submitted that in the past, a complaint was lodged by brother of the applicant against Arun Deshmukh for which separate FIR was registered. According to him, in that complaint, the present first informant was shown as one of the victims. He therefore submitted that there was no collusion between the applicant and Arun Deshmukh. He submitted that he has already deposited Rs.4 Lakhs in this Court to show his bonafides.

5. As against these submission, Shri. Amit Sale as well as Ld. APP Smt. Takalkar submitted that the informant is not the only victim in this case. There are two others who are duped and the amount involved is around Rs.24 Lakhs. They submitted that the

subject matter of the earlier FIR was different and in that FIR the subject of cheating the present victim was never considered. They therefore, submitted that this is a fresh FIR and different investigation is being conducted.

6. I have considered these submissions. The FIR clearly makes out the offence against the present applicant. The applicant had obtained money from the victims on the pretext of securing jobs for them. The applicant himself is working in Government department. In spite of that, he had indulged in these activities. The applicant had used a forged letter showing that the informant was selected. It is necessary to find out the details of such forgery. The FIR also mentions that the applicant had asked the informant to write answer papers and had also made informant to undergo a medical test. All this shows that it was a pre-planned conspiracy executed to cheat the victim. In this view of the matter, the custodial interrogation of the applicant is necessary. No case is made out to grant anticipatory bail. Hence, the application is rejected.

7. Ld. Counsel for the applicant submits that applicant has already deposited amount of Rs.4 Lakhs in this Court. Since the application is rejected, the applicant is permitted to withdraw the amount which is deposited in this Court, pursuant to earlier orders passed in this application.

8. At this stage, Ld. Counsel for the applicant prays for continuation of interim relief which is granted in April 2019. Considering the nature of offence and need for custodial interrogation, the prayer is rejected.

9. The Intervention application is also disposed of.

(SARANG V. KOTWAL, J.)